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| EXAMINER | |
|---|---|
| RHODE JR, ROBERT E | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3625 | |

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/692,197 | YAMANAKA ET AL. | |
| | Examiner | Art Unit | |
| | Rob Rhode | 3625 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *15 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.



EA

## DETAILED ACTION

### *Response to Amendment*

Applicant amendment of 7-15-05 amended claims 1, 6, 7, 9, 10 and 12 and canceled claims 15 - 28 as well as traversed rejections of Claims 1 - 14. In addition, Applicant provided document resulting from the request under 37 CFR § 1.105.

Currently, claims 1- 14 are pending.

### *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Value –Added Internet: a Pragmatic TINA-Based Path to the Internet and PTSN Integration; G. De Zen, Proceedings of the Global Convergence of Telecommunications and Distributed Object Computing: TINA 97 Conference, November 17 – 20, 1997, Santiago, Chile (hereafter referred to as "Integration") in view of Official Notice.**

Regarding Claim 1 (Currently Amended), Integration teaches a digital content downloading method using a network in which digital content is downloaded, comprising the steps of:

receiving through a network information designating a desired digital content selected by a consumer terminal and a desired digital content transmission condition related to quality of communication selected by the consumer terminal, at a digital content retailer computer system possessing the desired digital content (see at least Page 1, Col 2, Para 2; Page 3, Col 1, Para 3; Page 5, last 2 sentences and Page 6, Col 1, first 6 lines);

sending a request from the digital content retailer computer system to a resource reservation server of a network operator computer system, for a reservation for the network managed by the network operator computer system according to the desired digital content transmission condition sent from the consumer terminal (see at least Page 1, Col 1, second Para, Page 2, Col 2, Para 2, Page 4, Col 1, Para 1 and 2 and Figure 1);

providing from the digital content retailer computer system the desired digital content designated by the information, to the consumer terminal through the network reserved by the digital content retailer computer system at the desired digital content transmission condition sent from the consumer terminal (See at least Page 3, Col 2 and Page 6, Col 1, first 5 lines);

collecting from the consumer terminal, by the digital content retailer computer system, a charge for the desired digital content, the charge including a transmission charge corresponding to the desired digital content transmission condition (see at least Page 3, Col 2 and 4. Service Customization and Page 3, Para 2 – 4); and

paying, by the digital content retailer computer system, the transmission charge to the network operator computer system (see at least Page 3, Col 2, Para 2 – 4). Please note, online methods and systems for designating or selecting products at an Online site/content provider that a kind/type of online site for products including such specifics as "digital content retailer" are given little patentable weight. The phrase is given little patentable weight because the claim language Imitation is Considered to be non-functional descriptive material, which does not patentably Distinguish the applicant's invention from Integration. Thereby, the non-fictional Descriptive material is directed only to the type of the site providing a digital content Product - which could also be service, which provides these products such as on Demand TV or digital content sites. Therefore, the type of provider such as "digital content retailer" does not affect either the structure or method/process of Integration, which leaves the method and system unchanged.

While Integration does disclose paying and whereby too the content provider can become a Tina Provider affiliate (Page 3 Col 2, Para 7 and Page 4, Col 1, first Para) by incorporating appropriate software, the reference does not specifically disclose paying, by the digital content retailer computer system, the transmission charge to the network operator computer system.

On the other hand and the Examiner takes Official Notice, it would have been obvious to one of ordinary skill in the art at have provided the method of Integration with a

method for paying, by the digital content retailer computer system, the transmission charge to the network operator computer system. Integration discloses a method as recited in claim 1 - including paying. In turn, it would have been obvious to one of ordinary skill in the art to extend the method of Integration with a method for paying, by the digital content retailer computer system, the transmission charge to the network operator computer system. Therefore, one of ordinary skill in the art would have been motivated to extend the method of Integration with a method for paying by the digital content retailer. In this manner, the retailer of content can provide a service transparent to the end user including paying the network operator for transmission charges and thereby reduce the process steps of the end user, which will increase the probability that they will return for additional selections in the future.

Regarding Claim 14, Integration teaches a digital content downloading method using a network, wherein the desired digital content is a music file, a video file or a game software title (Page 6, Col 1).

**Claims 2 – 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Integration as applied to claim 1 above, and further in view of Shaffer (US 5,898,668).**

Integration substantially discloses and teaches the applicant's invention.

However, the Integration does not specifically disclose and teach a method for a digital content downloading method using a network, wherein the desired digital content transmission condition selected by the consumer is includes a transmission time condition; wherein the network is composed of a plurality of networks managed by a plurality of network operators, and the desired digital content transmission condition selected by the consumer corresponds to a communication quality of each of the networks; wherein the communication quality of each network is determined by at least one of a data transfer rate, a delay time, a delay variation, a burst size, a cell interval and a cell discard rate; wherein the desired digital content transmission condition selected by the consumer is a bandwidth guarantee type transmission condition, in which a transmission time period is guaranteed; or a bandwidth no-guarantee type transmission conditions, in which a transmission time period is not guaranteed, and the transmission charge is heightened as the transmission time period is shortened.

On the other hand and regarding claim 2, Shaffer teaches a digital content downloading method using a network, wherein the desired digital content transmission condition selected by the consumer is includes a transmission time condition (Abstract).

Regarding claim 3, Shaffer teaches a digital content downloading method using a network, wherein the network is composed of a plurality of networks managed by a plurality of network operators, and the desired digital content transmission condition selected by the consumer corresponds to a communication quality of each of the

networks (Abstract). Please note that Shaffer does not specifically disclose a plurality of networks. However, Shaffer does disclose a method of providing the user the ability to select the quality of service between remote sites using the Internet. In that regard, it would have been obvious to one of ordinary skill in the art that these remote sites include sites at different global positions such as different countries and thereby requiring a plurality of network operators. Therefore, one of ordinary skill would have been motivated to extend Shaffer to include a plurality of network operators.

Regarding claim 4, Shaffer teaches a digital content downloading method using a network, wherein the communication quality of each network is determined by at least one of a data transfer rate, a delay time, a delay variation, a burst size, a cell interval and a cell discard rate (Col 1, lines 62 – 64).

Regarding claim 6 (Currently Amended), Shaffer teaches a digital content downloading method using a network, wherein the desired digital content transmission condition selected by the consumer is a bandwidth guarantee type transmission condition, in which a transmission time period is guaranteed; or a bandwidth no-guarantee type transmission condition, in which a transmission time period is not guaranteed, and the transmission charge is heightened as the transmission time period is shortened (Col 1, lines 62 – 67 and Col 2, lines 1 – 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Integration with method of Shaffer to have enabled a method for a digital content downloading method using a network, wherein the desired digital content transmission condition selected by the consumer is includes a transmission time condition; wherein the network is composed of a plurality of networks managed by a plurality of network operators, and the desired digital content transmission condition selected by the consumer corresponds to a communication quality of each of the networks; wherein the communication quality of each network is determined by at least one of a data transfer rate, a delay time, a delay variation, a burst size, a cell interval and a cell discard rate; wherein the desired digital content transmission condition selected by the consumer is a bandwidth guarantee type transmission condition, in which a transmission time period is guaranteed; or a bandwidth no-guarantee type transmission conditions, in which a transmission time period is not guaranteed, and the transmission charge is heightened as the transmission time period is shortened – in order to provide additional downloading conditions for the recipient of the digital content to select. Integration disclose a method for receiving through a network information designating a desired digital content selected by the a consumer, to at a digital content retailer possessing the desired digital content; providing from the digital content retailer the desired digital content designated by the information, to the consumer through the network reserved by the digital content retailer; collecting from the consumer, with the digital content retailer, a charge for the desired digital content, the charge including a transmission charge corresponding to the

desired digital content transmission condition; and paying with the digital content retailer, pay the transmission charge to the network operator (pages 1, 3 and 6). Shaffer discloses a method for a digital content downloading method using a network, wherein the desired digital content transmission condition selected by the consumer is includes a transmission time condition; wherein the network is composed of a plurality of networks managed by a plurality of network operators, and the desired digital content transmission condition selected by the consumer corresponds to a communication quality of each of the networks; wherein the communication quality of each network is determined by at least one of a data transfer rate, a delay time, a delay variation, a burst size, a cell interval and a cell discard rate; wherein the desired digital content transmission condition selected by the consumer is a bandwidth guarantee type transmission condition, in which a transmission time period is guaranteed; or a bandwidth no-guarantee type transmission conditions, in which a transmission time period is not guaranteed, and the transmission charge is heightened as the transmission time period is shortened (Abstract). Therefore, one of ordinary skill in the art would have been motivated to extend the method of Integration with a method for a digital content downloading method using a network, wherein the desired digital content transmission condition selected by the consumer is includes a transmission time condition; wherein the network is composed of a plurality of networks managed by a plurality of network operators, and the desired digital content transmission condition selected by the consumer corresponds to a communication quality of each of the networks; wherein the communication quality of each network is determined by at least

one of a data transfer rate, a delay time, a delay variation, a burst size, a cell interval and a cell discard rate; wherein the desired digital content transmission condition selected by the consumer is a bandwidth guarantee type transmission condition, in which a transmission time period is guaranteed; or a bandwidth no-guarantee type transmission conditions, in which a transmission time period is not guaranteed, and the transmission charge is heightened as the transmission time period is shortened. In this manner, the individual will be have more choices regarding the time and rate of downloading, which will increase customer satisfaction.

**Claims 5, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Integration as applied to claim1 above, and further in view of Egawa (US 5,745,694).**

Integration substantially discloses and teaches the Applicant's invention.

However, Integration does not specifically disclose and teach a method where bandwidth is reserved plus a transmission start time as well receiving a reception impossible.

On the other hand and regarding claim 5, Egawa teaches a digital content downloading method using a network, wherein a bandwidth of the network is reserved with a time

condition in the network reservation according to the desired digital content transmission condition (Col 1, lines 56 -60).

Regarding claim 9 (Currently Amended), Egawa teaches a digital content downloading method using a. network, further comprising: sending, from the digital content retailer, send a transmission start notice to the consumer before providing the desired digital content; managing, by a network operator, a transmission time period in the transmission of the desired digital content until the digital content retailer sends a transmission completion notice to the network operator; sending, from the network operator, send a time-out notice to the digital content retailer in cases where the transmission time period exceeds a prescribed value; and forcedly terminating, by the digital content retailer, providing of the desired digital content in cases where the digital content retailer receives the time-out notice from the network operator (Abstract and Col 9, lines 54 – 67).

Regarding claim 13, Egawa teaches a digital content downloading method using a network, wherein the step of providing the desired digital content includes: receiving at the digital content retailer, a reception impossible notice from the consumer indicating that the consumer has not received the desired digital content; sending a transmission termination notice to the network operator from the digital content retailer; and sending a transmission no-completion notice to the consumer from the digital content retailer (Col 1, lines 33 – 36 and Col 2, lines 37 – 40) .

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have provided the method of Integration with the method of Egawa to have enabled a method as recited in claims 5, 9 and 13. Integration discloses a method as recited in claim 1. In turn, Egawa discloses a method as recited in claims 5, 9 and 13 (See at least Abstract, Col 1, lines 33 – 36 and lines 56 – 60 as well as Col 2, lines 37 – 40). Therefore, one of ordinary skill in the art would have been motivated to extend the method of Integration with a method as recited in claims 5, 9 and 13.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Integration as applied to claim 1 above, and further in view of Reisman (US 6,594,692 B1).**

Integration substantially discloses and teaches the applicant's invention.

However, the Integration does not specifically disclose and teach a digital content downloading method using a network, wherein the step of providing the desired digital content includes: checking with the digital content retailer through the network whether or not the consumer is capable of receiving the desired digital content, before the desired digital content is provided to the consumer at the desired digital content transmission condition.

On the other hand and regarding Claim 7 (Currently Amended), Reisman teaches a digital content downloading method using a network, wherein the step of providing the desired digital content includes: checking with the digital content retailer through the network whether or not the consumer is capable of receiving the desired digital content, before the desired digital content is provided to the consumer at the desired digital content transmission condition (Col 16, lines 40 – 42). Please note that Reisman does not specifically disclose a digital content retailer. However, Reisman does disclose transacting electronic commerce, which digital content retailers are included as well as charging/ordering. Thereby, one of ordinary skill in the art would have been motivated to extend Reisman with digital content retailers. Moreover in electronic commerce, it is old and well known that these systems did have the capability to charge for and bill for ordered products and services – which include all charges for completing the transaction such as ordered transmission condition disclosed by Shaffer.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Integration with the method of Reisman to have enabled a digital content downloading method using a network, wherein the step of making the digital content retailer download the desired digital content includes: making the digital content retailer check through the network whether or not the consumer has a capability such as a memory capacity for receiving the desired digital content, before the desired digital content is downloaded to the consumer at the desired digital content transmission condition – in order to enable the checking of the user's capacity to receive the content.

The Integration disclose a method for receiving through a network information designating a desired digital content selected by the a consumer, to at a digital content retailer possessing the desired digital content; providing from the digital content retailer the desired digital content designated by the information, to the consumer through the network reserved by the digital content retailer; collecting from the consumer, with the digital content retailer, a charge for the desired digital content, the charge including a transmission charge corresponding to the desired digital content transmission condition; and paying with the digital content retailer, pay the transmission charge to the network operator. Reisman discloses an electronic commerce method and system, which includes a capability to check to ensure that sufficient memory/disk space capacity fir receiving content (Abstract and Col 16, lines 40 – 42). Therefore, one of ordinary skill in the art would have been motivated to extend the method of Integration with the a method for digital content downloading method using a network, wherein the step of making the digital content retailer download the desired digital content includes: making the digital content retailer check through the network whether or not the consumer has a capability such as a memory capacity for receiving the desired digital content, before the desired digital content is downloaded to the consumer at the desired digital content transmission condition. In this manner, the accuracy of the method will be increased through ensuring that the consumer has the capability to receive the content, which will increase consumer satisfaction. Indeed, the consumers increased satisfaction will increase the probability that they will recommend the service to others.

**Claims 8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Integration of as applied to claim 1 above, and further in view of Bernard (US 5,918,213).**

Integration substantially discloses and teaches the applicant's invention.

However, Integration does not specifically disclose and teach a method for digital content downloading method using a network, wherein the step of providing the desired digital content includes connecting the consumer to the network through a subscriber line which is composed of a telephone line, an optical fiber cable, a coaxial cable or a radio transmission line; wherein the step of receiving the information and the desired digital content transmission condition includes: receiving from the consumer send personal information and payment information of the consumer, at to the digital content retailer; an inquiry to a credit company whether or not the personal information and the payment information sent received from the consumer is correct; requesting that the credit company perform the authentication of the consumer according to the personal information and the payment information; and requesting the credit company to send an authentication notice to the digital content retailer in cases where the personal information and the payment information is correct; wherein the step of collecting a charge for the desired digital content includes: sending, from the digital content retailer, send an accounting notice corresponding to the charge for the desired digital content to a credit company; requesting that the credit company send a bill, which corresponds to

the charge for the desired digital content, to the consumer in response to the accounting notice: requesting that the consumer pay the charge for the desired digital content to the credit company in response to the bill; and requesting that the credit company pay the charge paid by the consumer, to the digital content retailer.

On the other hand and regarding Claim 8 (Previously Presented), Bernard teaches a digital content downloading method using a network, wherein the step of providing the desired digital content includes connecting the consumer to the network through a subscriber line which is composed of a telephone line, an optical fiber cable, a coaxial cable or a radio transmission line (Abstract and Figures 4 – 8).

Regarding claim 11 (Previously Presented), Bernard teaches a digital content downloading method using a network, wherein the step of receiving the information and the desired digital content transmission condition includes: receiving from the consumer send personal information and payment information of the consumer, at to the digital content retailer; an inquiry to a credit company whether or not the personal information and the payment information sent received from the consumer is correct; requesting that the credit company perform the authentication of the consumer according to the personal information and the payment information; and requesting the credit company to send an authentication notice to the digital content retailer in cases where the personal information and the payment information is correct (Col 10, lines 44 – 45 and lines 61 - 67 and Figure 12).

Regarding claim 12 (Currently Amended), Bernard teaches a digital content downloading method using a network, wherein the step of collecting a charge for the desired digital content includes: sending, from the digital content retailer, send an accounting notice corresponding to the charge for the desired digital content to a credit company; requesting that the credit company send a bill, which corresponds to the charge for the desired digital content, to the consumer in response to the accounting notice; requesting that the consumer pay the charge for the desired digital content to the credit company in response to the bill; and requesting that the credit company pay the charge paid by the consumer, to the digital content retailer (Col 2, lines 11 – 12). Please note that Bernard does not specifically address each step such as authentication by the credit card company. However, these steps are implicit and were old and well known for online shopping sites (see Chelliah US 5,710,887). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Bernard with these capabilities to ensure credit worthiness of shoppers – before consummating the sale.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Integration with the method of Bernard to have enabled a method for digital content downloading method using a network, wherein the step of providing the desired digital content includes connecting the consumer to the network through a subscriber line which is composed of a telephone line, an optical fiber cable, a

coaxial cable or a radio transmission line; wherein the step of receiving the information and the desired digital content transmission condition includes: receiving from the consumer send personal information and payment information of the consumer, at to the digital content retailer; an inquiry to a credit company whether or not the personal information and the payment information sent received from the consumer is correct; requesting that the credit company perform the authentication of the consumer according to the personal information and the payment information; and requesting the credit company to send an authentication notice to the digital content retailer in cases where the personal information and the payment information is correct; wherein the step of collecting a charge for the desired digital content includes: sending, from the digital content retailer, send an accounting notice corresponding to the charge for the desired digital content to a credit company; requesting that the credit company send a bill, which corresponds to the charge for the desired digital content, to the consumer in response to the accounting notice: requesting that the consumer pay the charge for the desired digital content to the credit company in response to the bill; and requesting that the credit company pay the charge paid by the consumer, to the digital content retailer. The method of Integration discloses a method for method for method for receiving through a network information designating a desired digital content selected by the a consumer, to at a digital content retailer possessing the desired digital content; providing from the digital content retailer the desired digital content designated by the information, to the consumer through the network reserved by the digital content retailer; collecting from the consumer, with the digital content retailer, a charge for the desired digital content,

the charge including a transmission charge corresponding to the desired digital content transmission condition; and paying with the digital content retailer, pay the transmission charge to the network operator. Bernard discloses a method for method for digital content downloading method using a network, wherein the step of providing the desired digital content includes connecting the consumer to the network through a subscriber line which is composed of a telephone line, an optical fiber cable, a coaxial cable or a radio transmission line; wherein the step of receiving the information and the desired digital content transmission condition includes: receiving from the consumer send personal information and payment information of the consumer, at to the digital content retailer; an inquiry to a credit company whether or not the personal information and the payment information sent received from the consumer is correct; requesting that the credit company perform the authentication of the consumer according to the personal information and the payment information; and requesting the credit company to send an authentication notice to the digital content retailer in cases where the personal information and the payment information is correct; wherein the step of collecting a charge for the desired digital content includes: sending, from the digital content retailer, send an accounting notice corresponding to the charge for the desired digital content to a credit company; requesting that the credit company send a bill, which corresponds to the charge for the desired digital content, to the consumer in response to the accounting notice: requesting that the consumer pay the charge for the desired digital content to the credit company in response to the bill; and requesting that the credit company pay

the charge paid by the consumer, to the digital content retailer (Abstract, Col 10, lines 44 – 45 and lines 61 - 67 and Figures 4 - 8). Therefore, one of ordinary skill in the art at the time of the invention to have provided the method of Integration with a method for checking, validating, accepting and billing the individual for their online selection of digital content.

**Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the method of Integration as applied to claim 1 above, and further in view of Spagna (US 6,587,837 B1).**

Integration substantially discloses and teaches the applicant's invention.

However, the combination does not specifically disclose and teach a method for digital content downloading method using a network wherein the step of providing the desired digital content includes: ciphering with the digital content retailer, the desired digital content; providing from the digital content retailer ciphered data of the desired digital content.

On the other hand and regarding claim 10 (Currently Amended), Spagna teaches a method for digital content downloading method using a network wherein the step of providing the desired digital content includes: ciphering by the digital content retailer,

the desired digital content; providing from the digital content retailer ciphered data of the desired digital content (see at least Col 3, lines 27 – 29 and Figures 1A – C).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Integration with the method of Spagna to enable a digital content downloading method using a network wherein the step of making the digital content retailer download the desired digital content includes: making the digital content retailer cipher the desired digital content; making the digital content retailer download ciphered data of the desired digital content; and making the consumer decipher the ciphered data of the desired digital content to obtain the desired digital content – in order to ensure secure transmission of the digital content, which often contains proprietary information. The method of Integration discloses a method as recited in claim 1. Spagna teaches a method for digital content downloading method using a network wherein the step of providing the desired digital content includes: ciphering with the digital content retailer, the desired digital content; providing from the digital content retailer ciphered data of the desired digital content (see at least Col 3, lines 27 – 29 and Figures 1A – C). Therefore one of ordinary skill in the art would have been motivated to extend the method of Integration with the method for digital content downloading method using a network wherein the step of making the digital content retailer download the desired digital content includes: making the digital content retailer cipher the desired digital content; making the digital content retailer download ciphered data of the desired digital content; and making the consumer decipher the ciphered data

of the desired digital content to obtain the desired digital content. In this manner, the sender and receiver of the digital content will be assured that only the desired recipient will be able to decrypt the information and thereby protect the digital contents from unauthorized use. This will increase the consumer's confidence in the service, which will increase the probability that they will continue to use the service in the future.

***Response to Arguments***

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the method steps of "sending an accounting notice to the credit company, which corresponds to the charge for a product" is not old and well known.

The applicant is referred to Chelliah (US 5,710,887), which addresses these methods.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **571.272.7159**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**571-273-8300** [Official communications; including After Final communications labeled "Box AF"]

For general questions the receptionist can be reached at 571.272.3600

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Jeffrey A. Smith
Primary Examiner